United Nations A/60/670–S/2006/81

General Assembly
Security Council

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General Assembly
Sixtieth session
Agenda item 14
The situation in the Middle East

Security Council
Sixty-first year

Identical letters dated 6 February 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a detailed statistical table showing the number of Israeli violations of Lebanese sovereignty which occurred during January 2006, i.e., a total of 61 violations (see annex).

These violations are in contravention of the relevant Security Council resolutions, the latest of which is resolution 1655 (2006), and go against the Secretary-General's repeated calls for their cessation, most recently in his report of 18 January 2006 (S/2006/26). Lebanon counts on the United Nations to compel Israel to desist from those violations, which constitute a threat to international peace and security, and holds Israel responsible for any consequences to which those acts may give rise.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 14, and of the Security Council.

(*Signed*) Caroline **Ziadeh**
Chargé d'affaires a.i.

06-23528 (E) 070206 070206

Annex to the identical letters dated 6 February 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations of Lebanese sovereignty during January 2006

Air violations				*Sea violations*	*Land violations*			*Total violations*
					Military acts of aggression	*Field violations*	*Breaches*	
Military jet	Reconnaissance	Helicopter	Total	Crossing of territorial waters, artillery fire and shooting of flares and firebombs over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, launching of firebombs, dropping of artillery missiles, infiltration and crossing of international borders	Threats and displaying of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory	
13	17	7	37	10	-	11	3	61

United Nations A/60/671-S/2006/82

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General Assembly
Sixtieth session
Agenda item 19
Question of Cyprus

Security Council
Sixty-first year

Letter dated 31 January 2006 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith an aide memoire on the position of the Government of the Republic of Cyprus, concerning the Turkish proposals on Cyprus, submitted to you on 20 January 2006 (see annex).

I should be grateful if this letter and the attached aide memoire could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

06-23591 (E) 080206

Annex to the letter dated 31 January 2006 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Aide memoire

30 January 2006

The position of the Government of Cyprus regarding the proposals submitted by the Turkish Government to the Secretary-General on 20 January 2006

The Government of the Republic of Cyprus wishes to outline the basic parameters of its position regarding the proposals of the Turkish Government submitted to the United Nations Secretary-General by the Permanent Representative of Turkey to the United Nations, on 20 January 2006, and subsequently presented by the Minister for Foreign Affairs of the Republic of Turkey, Abdullah Gül, during a press conference held in Ankara on 23 January 2006.

The Government of the Republic of Cyprus takes note of Mr. Gül's statement, during the said press conference, that "priority should be given to finding a comprehensive settlement which would be lasting and just" and that "such a settlement in Cyprus under the good-offices mission of the United Nations Secretary-General is still attainable". It also shares Mr. Gül's "satisfaction that the United Nations Secretary-General remains engaged with the issue and he is prepared to re-launch the process once the conditions are suitable".

It is, however, difficult to see how these proposals might serve any of the above objectives. After thoroughly examining them, we have come to the conclusion that they neither contribute to the creation of the appropriate conditions for the resumption of negotiations, nor do they reflect a genuine interest in the substance of the problem they claim to address. They are problematic in terms of procedure, principle and substance. Their effect is to widen the gap between the respective positions of the Cypriot and Turkish Governments rather than assist in creating common ground. Therefore, the Government of the Republic of Cyprus is not in a position to accept the above-mentioned proposals.

There is nothing in these proposals that could be interpreted as even a slight movement of the Turkish side from their long held intransigent positions or as an expression of any willingness to address, discuss or accommodate any of the core concerns of the Greek Cypriots. On the contrary the Turkish proposals completely disregard the nature and the main parameters of the Cyprus problem. They do not seek reunification or rapprochement but the realization of goals that merely solidify Turkish interests on Cyprus while evading the fulfilment of the most essential conditions that govern Turkey's accession process to the European Union

The first six points in the "action plan" described in the Turkish proposals are a mere repetition of previous proposals submitted by the Turkish Minister for Foreign Affairs to the Secretary-General, last May (A/59/820-S/2005/355). The response of the Cyprus Government to the proposals submitted then is still valid (see A/59/857-S/2005/422).

The sole new element in the newly submitted Turkish proposals is the set of the remaining four points of the "action plan", which are described as "procedural steps for the implementation". These points are particularly troubling, in that Turkey invites the Secretary-General to adopt, endorse and promote the Turkish proposals through the convening of a "high-level meeting with the participation of Turkey, Greece, the Turkish Cypriot side and the Greek Cypriot side", the outcome of which would be subsequently endorsed by the Security Council. In fact, these proposals are an obvious effort by Turkey to involve the United Nations Secretary-General and the Security Council on its side in an issue which concerns the European Union. Turkey attempts to subdue its legal obligations towards the EU for the accomplishment of its unchanging objectives in Cyprus, that is the promotion of a separate Turkish Cypriot entity in the occupied area of Cyprus, hiding its true intentions under the guise of the so-called ending of the isolation of the Turkish Cypriots. We believe that the United Nations has no role in this issue since the Secretary-General is mandated by the Security Council with a mission of good offices for finding a Cyprus settlement through negotiations between the two communities on the island. The United Nations should not be drawn into an issue involving Turkey's responsibilities towards the EU.

The idea of a quadripartite meeting, a long-term objective of Turkish foreign policy, cannot be accepted. It aims to equate the status of the Republic of Cyprus with that of the Turkish Cypriot community, either by downgrading the status of the Republic of Cyprus or by upgrading the status of the secessionist entity, possibly short of political recognition, as full separate statehood status, at this stage, would deprive the Turkish Cypriots of benefits deriving from the accession of Cyprus to the EU.

In addition, Turkey attempts to render legitimacy to the secessionist entity by granting to it governmental functions such as the control of ports and airports, in contravention to Security Council resolutions, in particular resolutions 541 (1983) and 550 (1984) and relevant international conventions. Under international law, every State in exercising its sovereignty has the indisputable right to determine which of its ports and airports are open and functioning, as well as to define the terms of operation and access for these ports and airports. In exercising its sovereignty, the Republic of Cyprus has declared closed to international traffic its ports in Kyrenia, Famagusta and Karavostasi and has not designated any airports in the occupied areas of Cyprus as open and functioning since 1974. The Government of the Republic of Cyprus has undertaken specific legal obligations towards the international community and the EU, which it must fulfil at all times, especially on the safety of shipping, customs, transboundary international crime, security, illegal immigration, narcotic drugs trafficking and terrorism.

It should be noted that what is erroneously described by the Turkish side as "isolation" of the Turkish Cypriots is, in fact, nothing more than the consequence of the illegal Turkish military occupation of northern Cyprus and the purported declaration of an "independent state". It is a self-inflicted wound of their policy of pursuing status rather than pursuing settlement. The Government of Cyprus is fully committed to, and working towards, the economic development of the Turkish Cypriot community, but it should be stressed again that the pursuit of this objective cannot be at the expense or in the form of erosion of Security Council resolutions (in particular resolutions 541 (1983) and 550 (1984)). It should be achieved in full respect of legality and though measures that do not infringe upon the sovereign

rights of the Republic of Cyprus or assist in any way the secessionist aims of Turkey and the Turkish Cypriot leadership.

The reference to "special arrangements for the practical inclusion of North Cyprus, as an economic entity, into the European Union's custom union" (fifth point of the action plan in the Turkish proposals) is particularly enlightening as to the true Turkish intentions, since it insinuates that there exists in the occupied area of Cyprus a separate entity, which is not part of the territory of the Republic of Cyprus. It should be recalled in this regard that under the Cyprus accession treaty the entirety of the territory of the Republic of Cyprus is part of the European Union but the application of the *acquis communautaire* is temporarily suspended in the area north of the ceasefire line (known as the Green Line) due to the Turkish occupation and the ensuing impossibility for the Government of Cyprus to exercise effective control in that area.

The European Union and its member States have repeatedly stressed that they "expect from (Turkey) full, not discriminatory implementation of the Additional Protocol and the removal of all obstacles to the free movement of goods, including restriction of means of transport". Mr. Oli Rehn, member of the European Commission responsible for enlargement, during the meeting of the EU-Turkey joint Parliamentary Committee in Brussels, on 23 November 2005, stated the following: "By opening accession negotiations, the EU kept its word and respected its commitment. Now we expect Turkey to honour its commitments; to begin with, as mentioned in the Accession Partnership, Turkey must ensure the implementation of commitments undertaken under the Association Agreement, including the customs union. This applies, in particular, to the crucial issue of the ratification and full implementation of the Additional Protocol to the Ankara Agreement, including lifting the restrictions on Cypriot vessels docking at Turkish ports".

The Government of Cyprus has consistently been promoting specific and concrete measures aiming at building confidence between the two communities in Cyprus and advancing the economic development of the Turkish Cypriots. This is an ongoing process pursued in a way that is consistent and in compliance with international norms and EU and Cyprus domestic law.

Furthermore, since April 2004, the Government of the Republic of Cyprus gave its agreement and asked for the immediate adoption of the EU financial regulation in support of the Turkish Cypriot community, amounting to €259 million. Unfortunately, a series of efforts, with the active support of the Republic of Cyprus, to make progress on this issue failed on two occasions in 2005, due to the intransigence of the Turkish side.

The Cyprus Government remains committed to the full implementation of the "Green Line" regulation, which allows trade of products within the island and exports of Turkish Cypriot products through the legal ports and airports of the Republic of Cyprus. We urge the Turkish side to lift the obstacles it has created for two-way trade between the two communities.

The Government of Cyprus has shown its good will with the proposal of President Papadopoulos, in August 2004, concerning Varosha. Moreover, we have accepted the compromise proposed by the EU Luxembourg Presidency last June and reiterated our support to the understanding reached with the Commission last December, involving the opening of the Famagusta port, under EU auspices, the

return of Varosha to its lawful inhabitants and a moratorium on the exploitation of Greek Cypriot properties in the occupied areas of the Republic.

Our major contribution to the collective effort for the creation of the appropriate conditions and the preparation of the ground for the resumption of the United Nations negotiations remains, however, the political will and courage demonstrated by the Republic of Cyprus, in its capacity as an EU member State, when significant decisions were to be taken by the European Union concerning the opening of accession negotiations with Turkey. In spite of our predicament we have consistently adopted a constructive approach. It is high time now that Turkey honours its own commitments and obligations stemming from its accession negotiations with the European Union, including the unconditional ratification and implementation of the Additional Protocol to the Ankara Agreement extending the customs union to the 10 new EU member States, providing for the immediate removal of all restrictions on Cyprus flagged vessels and vessels serving Cyprus trade, as well as the lifting of all discriminatory measures against member States' carriers on the basis of their nationality. Turkey needs also to stop vetoing Cyprus participation in international organizations and take steps towards normalization of bilateral relations between Turkey and Cyprus, as called for in the Accession Partnership.

In conclusion, we firmly believe that the content of the Turkish proposals cannot be considered as falling within the framework of the Secretary-General's mission of good offices and does not constitute any positive movement from the Turkish side, nor does it represent a genuine contribution towards the settlement of the Cyprus problem. It is obvious that the insistence of Turkey on the projection of a separate entity in the occupied part of Cyprus using as a pretext the so-called isolation of the Turkish Cypriot community, and its attempt to exchange the achievement of this goal in return for the fulfilment of its contractual obligations towards the European Union, is a counterproductive and sterile approach and does not serve the purpose of our collective efforts to create the right conditions for the resumption of the United Nations negotiations on Cyprus.

The Government of the Republic of Cyprus remains committed to a fair and sustainable resolution of the Cyprus problem. It reiterates its willingness to engage, following thorough preparation of the ground, in meaningful and substantive negotiations, without arbitration and strict deadlines, in order to reach a comprehensive settlement in accordance with the Security Council resolutions and the principles upon which the EU was founded.

United Nations A/ES-10/317–S/2006/83

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Security Council

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7 February 2006

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-first year

Identical letters dated 7 February 2006 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Since my last letter to you on 18 January 2006, the Occupied Palestinian Territory, including East Jerusalem, has witnessed significant political developments, namely the conclusion of democratic and transparent elections. Conversely, these positive developments in Palestine's efforts to cement democracy as a way of life and despite the obstruction of occupation, Israel, the occupying Power, has wasted no time in escalating the situation on the ground by intensifying its military incursions into Palestinian towns and resuming, with marked intensity, its unlawful campaign of extrajudicial executions of Palestinians.

In the past week, Israeli occupying forces have carried out six separate extrajudicial attacks, resulting in the execution of twelve Palestinians and the injury of several others. In fact, Israeli occupying forces committed three of the extrajudicial executions in less than an eight-hour period. The most recent of these extrajudicial executions occurred today, 7 February 2006, while the present letter was being drafted. In this connection, two Palestinians were killed when Israeli occupying forces fired two missiles from a helicopter gunship targeting a car in Gaza City. Moreover, Israeli occupying forces continued with its raid and artillery bombardment in northern Gaza, bombing a bridge and six roads. One shell hit a home, critically injuring a 15-year-old girl. In another incident in the West Bank town of Nablus, Ahmed Radad was killed instantly by Israeli occupying forces during an early morning raid.

Yesterday, 6 February 2006, Israeli helicopters fired at least three missiles at a car driving through a residential area near Beit Lahia in the northern Gaza Strip. The missile attack killed Rami Hannouneh and Hasan Asfour in addition to injuring several innocent bystanders who happened to be driving or walking past the scene of the attack.

06-23625 (E) 080206

Furthermore, during the early morning hours of 5 February 2006, two Palestinians were killed in yet another extrajudicial execution attack when missiles struck their car as they were driving in Gaza City's Al-Zaitoun neighbourhood. Four bystanders were also injured in the attack, one of them seriously. Hours prior to this attack, late on 4 February 2006, Israeli helicopters fired several missiles at Al-Shams sports club in southern Gaza City, then chased the injured as they were being rescued and driven to the hospital with at least two additional missiles. The missile attack killed 18-year-old Naser Marshoud, Hani Al-Qayed and Yassin Barghouth, as well as injuring five others, one seriously.

On 31 January 2006, Israeli occupying forces shot dead Nidal Abu Sa'da and Ahmad Al-Tubasi in the village of Arraba, near Jenin in the northern West Bank. The occupying forces also injured four civilians in the attack.

These attacks have been incessant, as the chronology clearly demonstrates. More dangerously, these unlawful attacks, which amount to war crimes and indicate an abject disdain for the worth of Palestinian lives, threaten to ignite an already extremely tense situation on the ground. Additionally, this deadly campaign against Palestinians jeopardizes all efforts exerted at the present time to extend the period of calm and work on transferring powers to the new Palestinian Government in a smooth and efficient manner. These deadly attacks exert an additional and unbearable amount of pressure on the Palestinian people and leadership and threaten to spin the situation out of control, drowning both sides in a renewed cycle of violence and suffering that could and should be averted.

In addition to the intensified extrajudicial execution campaign, Israel, the occupying Power, has also carried out at least 81 military incursions into Palestinian cities and villages and continues to arrest scores of Palestinians. These military incursions spread death, destruction, anger, and sorrow in the midst of Palestinian families, and they are part of a systematic policy adopted by the occupying Power to choke life, hope, and stability out of the lives of Palestinian families across the Occupied Palestinian Territory, including East Jerusalem. The story of 9-year-old Aya Al-Astal who was shot dead near the Kisufim crossing in the Gaza Strip on 26 January 2006, after having gotten lost while returning home from school, clearly demonstrates the deadly effects of this violent policy.

The continuation of aggression committed by the Israeli occupying forces against the Palestinian people, including the continuation of its illegal policy of extrajudicial executions, should be condemned by the international community. Israel, the occupying Power, will continue to deliberately commit its heinous crimes only as long as it continues to believe it can act against the Palestinian people under its occupation with impunity. In this regard, we urge the international community to take the necessary measures to compel Israel to cease forthwith its flagrant violations of international law and international humanitarian law, particularly the Fourth Geneva Convention of 12 August 1949.

The present letter is in follow-up to our previous 230 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. Those letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 19 January 2006 (A/ES-10/316-S/2006/30) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel,

the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that, since our last letter to you, at least ten more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,774. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 7 February 2006 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and to the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Wednesday, 25 January to Tuesday, 7 February 2006)

Thursday, 26 January 2006

1. Aya Mohamed Al-Astal (9 years old)

Tuesday, 31 January 2006

1. Nidal Abu Sa'da
2. Ahmed Al-Tubasi

Sunday, 5 February 2006

1. Naser Ramadan Marshoud (18 years old)
2. Hani Taha Al-Qayed
3. Yassin Barghouth
4. Jihad Al-Sawafri
5. Adnan Boustane Abu Jandale

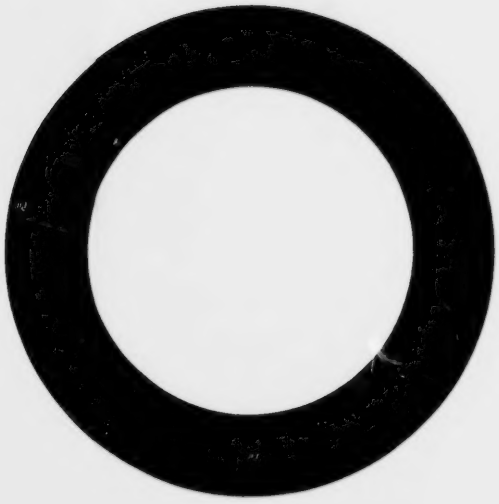
Monday, 6 February 2006

1. Hassan Ossfour
2. Ramy Hannouneh

Tuesday, 7 February 2006

1. Ahmed Radad
2. Mohammed Abu Shareya
3. Suhale Baqer

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,744.



United Nations S/2006/84

Security Council

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8 February 2006

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Letter dated 7 February 2006 from the Permanent Representative of Namibia to the United Nations addressed to the President of the Security Council

I have the honour to transmit the following letter, dated 3 February 2006, addressed to you by Mohamed Abdelaziz, President of the Saharawi Arab Democratic Republic (SADR) and Secretary-General of the Frente POLISARIO (see annex).

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Martin **Andjaba**
Ambassador and Permanent Representative

06-23681 (E) 100206

Annex to the letter dated 7 February 2006 from the Permanent Representative of Namibia to the United Nations addressed to the President of the Security Council

The Government of the Kingdom of Morocco, in a recent letter addressed to the Secretary-General (S/2006/52), resorts once again to amalgam and incoherence to present this time a surprising interpretation of the terms and meaning of the ceasefire in force and of the nature of its presence in the Saharawi Territory, while taking the occasion to announce its pseudo-solution to the conflict of Western Sahara.

First, allow me to recall that the ceasefire was accepted by the two parties to the conflict, the Kingdom of Morocco and the Frente POLISARIO, as an integral part of the settlement plan, the objective of which is "to enable the Saharawi people to decide their future through a fair and free self-determination referendum, organized and supervised by the United Nations in cooperation with the Organization of African Unity (OAU)".

In May 1991, in a response to the formal request of the Secretary-General, both parties informed him of the number, armaments and exact geographical position of their respective military forces in the Territory. In this context, the Moroccan occupying forces were stationed inside and to the west of the defensive wall with which Morocco has divided the Territory into two parts. Outside the defensive wall and eastwards, the Saharawi forces were, and remain, positioned.

On 6 September 1991, following the coming into effect of the ceasefire, the deployment of the military observers of the United Nations Mission for the Referendum in Western Sahara (MINURSO) took place on this geographical basis, separating the two forces. This deployment continues to have practically the same characteristics. Contrary to what Morocco claims in its letter, there was and there is still a liberated area of the territory of Western Sahara and another one under the illegal occupation of Morocco. The military events that took place in Tifariti, which are referred to in Morocco's letter, were not a result of an "incursion" by Saharawi forces but a consequence of a large scale onslaught initiated by Morocco, on 27 August 1991 on the liberated region of Tifariti with the political objective of blocking the beginning of the implementation of the settlement plan, after it had obstructed the arrival of the first teams and equipment pertaining to MINURSO.

As you are aware, MINURSO, by virtue of the technical agreements signed with the two parties, is under conditions that enable it to continue to discharge its mission of monitoring the ceasefire as an inseparable element of the settlement plan and the peace plan, unless Morocco's letter signals the intention of breaking up the ceasefire, the political and military consequences of which would be Morocco's exclusive responsibility.

Second, the Frente POLISARIO, along with the entire international community, does not recognize that Morocco has any valid legal title to its presence in Western Sahara. The Madrid Accords of 14 November 1975, referred to in the letter, whereby the former colonial power blatantly renounced its responsibilities as an administering Power of the Territory, were an illegal transaction that does not alter the colonial nature of the problem.

Morocco is, moreover, fully aware of the content and scope of the verdict of the International Court of Justice, dated 16 October 1975, which denied any validity for its territorial claims over our country. It is also aware of the latter verdict requested by the Security Council from Hans Corel, in charge of the United Nations Office of Legal Affairs, dated 29 January 2002, in which he considered that Madrid Accords "did not transfer sovereignty over the territory, nor did it confer upon any of the signatories the status of an administering Power, a status which Spain alone could not have unilaterally transferred".

Being neither a sovereign power nor an administering power, the legal status of the Moroccan presence in Western Sahara can only be qualified as illegal. Exactly as it had been defined by the United Nations General Assembly in its resolution 34/37 (1970) it is a "military occupation" and, consequently, it cannot have any legal effects or consequences valid for third parties or for the international community.

To deny access to the occupied territory by foreign humanitarian and governmental delegations, as was the case of the delegation of the United Nations High Commissioner for Human Rights and the joint delegation of several Nordic countries, and the persistence in the policy of violating the human rights of the Saharawi population are facts that clearly highlight the brutal character of an illegal occupation.

Third, in view of the foregoing, the pseudo-solution announced in the letter constitutes a new "flight forward" that comes in the context of the continuous challenge exhibited by Morocco against the resolutions of the United Nations. The involvement of the international community, in all efforts aimed at the resolution of the conflict of Western Sahara, has been fundamentally justified by the fact that the United Nations is dealing with a decolonization question. As such, it must necessarily be resolved in conformity with the Charter of the United Nations and, in this context, with the resolutions and verdicts elaborated by its supreme bodies, which have unequivocally affirmed the inalienable right of the people of Western Sahara to decide their future in a democratic and peaceful way through a self-determination referendum.

It is in this legal framework that the Security Council approved, with the unanimity of its members, the settlement plan in its resolution 658 (1990); in resolution 690 (1991) the Council authorized the deployment of MINURSO in Western Sahara; it called for the implementation of the Houston Agreements in resolution 1133 (1997); and it gave its support for the peace plan for self-determination of the people of Western Sahara in its resolution 1495 (2003). In all these peace plans, the United Nations has advocated a referendum that enables the Saharawi people to choose their future, without restrictions or constraints with regard to the right to self-determination endorsed by the United Nations, by choosing among independence, autonomy or integration into the occupying Power.

Throughout this whole process, the Security Council and the Secretary-General have received sincere cooperation from the Frente POLISARIO with a view to facilitating the elaboration of the peace process and the great progress obtained in its implementation, following the signing of Houston Agreements.

Moreover, the Frente POLISARIO responded favourably to the Security Council request by releasing all Moroccan prisoners of war, a humanitarian and

peace gesture that has not been reciprocated by Morocco. Quite the contrary. Since May 2005 onwards, Morocco intensified its sadly well-known policies of repression that has led to disappearances, detaining and hurling of prisoners in medieval jails as well as physical liquidation of human rights activists, who are to be added to dozens of Saharawis who were recently found buried in common graves after having disappeared for years, a fact that has been recently recognized by Moroccan official organizations and non-governmental organizations.

It is now evident that the peace process has not been able to advance towards the objective for which it was elaborated. Morocco's failure to fulfil the commitments that it had made formally and solemnly before the Security Council, by virtue of its acceptance of both the settlement plan and the Houston Agreements, in whose elaboration it had participated actively, and its rejection of the peace plan presented by former Personal Envoy, James Baker, are undoubtedly the causes that have led to the current stalemate, and not a supposed unimplementability of the settlement plan.

We believe that the Security Council cannot resign itself to a dangerous stalemate, which, given the continuous violation of the human rights of the Saharawi population held hostage by an "occupying force", involves all the risks of degenerating into an uncontrollable situation.

The United Nations now is faced with an "illegal occupation" by a Member State to a Territory subject to an unaccomplished decolonization process, as were the cases of Namibia, East Timor and dozens of other nations in Africa, Latin America, the Caribbean and Asia.

In this context, the Frente POLISARIO would like once more to reiterate its very well-known position, in the sense that only the resumption of the referendum process, approved by the Security Council on the basis of principles and inalienable rights enshrined in the Charter, offers real possibilities for a just and lasting resolution of the conflict of Western Sahara.

Any other approach based on concepts or pseudo-solutions derived from Morocco's breach of international legality would imply the renunciation of the Charter, the legitimization of "a colonial fait accompli" and the establishment of force in international relations. It would suppose, in that case, the end of the peace process, the end of MINURSO and, consequently, the end of the rationale of the signing, the coming into effect and the maintenance of the current ceasefire.

Such approaches, prompted by the current Moroccan position as contained in the above-mentioned letter, cannot obtain the acceptance of the Frente POLISARIO as a fundamental party in the decolonization process of Western Sahara.

Mohamed **Abdelaziz**
President of the Saharawi Arab Democratic Republic
Secretary-General of the Frente POLISARIO

United Nations S/2006/85

Security Council

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10 February 2006

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Letter dated 3 February 2006 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the Security Council

On behalf of the Non-Aligned Movement, I have the honour to transmit to you, in your capacity as President of the Security Council for the month, the principled position of the Movement pertaining to the relationship between the Security Council and other principal organs of the United Nations, in particular the General Assembly, as the chief deliberative and policymaking organ of the United Nations, as enshrined in the Charter of the United Nations, as well as the relevant General Assembly resolutions which clarify such relationship. In this regard, the Movement reiterates its concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council through addressing issues which traditionally fall within the competence of the latter organs, and the attempts to enter the areas of norm-setting and establishing definitions which fall within the purview of the Assembly. The Movement further reiterates that these trends must be checked and reversed.

The Non-Aligned Movement stresses that the Member States of the United Nations have conferred on the Security Council primary responsibility for the maintenance of international peace and security pursuant to Article 24 of the Charter of the United Nations and that in carrying out its duties under this responsibility, the Security Council acts on their behalf. In this respect, the Movement stresses the accountability of the Security Council to the General Assembly consistent with that article of the Charter.

In view of the above-mentioned considerations, the Non-Aligned Movement considers the decision by the Security Council to initiate formal or informal discussion on the situation of any Member State of the Organization or any issue that does not constitute a threat to international peace and security as contrary to Article 24 of the Charter. In this regard, the Movement urges the Security Council to uphold the primacy of and respect for the Charter in connection with its functions and powers.

I shall be transmitting the present letter to the President of the General Assembly and the President of the Economic and Social Council for their attention and information, in the light of the ongoing consultations on the revitalization of work of the General Assembly and reform of the Economic and Social Council.

I shall be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) **Hamidon** Ali
Permanent Representative of Malaysia and Chairman of the Coordinating Bureau of the Non-Aligned Movement

06-23989 (E) 100206